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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,609	01/21/2004	Ulrich Rosenbaum	DT-6746	3517
30377	7590	05/02/2005	EXAMINER	
DAVID TOREN, ESQ. SIDLEY, AUSTIN, BROWN & WOOD, LLP 787 SEVENTH AVENUE NEW YORK, NY 10019-6018			LOPEZ, MICHELLE	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/761,609	<b>Applicant(s)</b> ROSENBAUM ET AL.	
	<b>Examiner</b> Michelle Lopez	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the amendment filed on March 10, 2005.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (3,842,596).

Gray discloses a housing 2,37; an operational mechanism 3,36 located in the housing; at least one latent heat accumulator arranged on the power tool at 7 as shown in Figs. 1 and 3, wherein the latent heat accumulator is arranged in a region of the operational mechanism.

With respect to claim 1, it is deemed that the liquid located at 7 accumulates heat during operation of the operational mechanism by changing from liquid phase to vapor phase, and release the heat after an operational cycle has ended by condensing from the vapor phase back to the liquid phase.

With respect to claim 3, Gray discloses wherein the latent heat accumulator is arranged adjacent to heat-sensitive components 4,30 of the power tool.

With respect to claim 4, Gray discloses wherein the latent heat accumulator comprises a chamber 5,33 and at least one of latent heat storable material at 7 and latent heat storable mixture as shown in col. 4; 51-62.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (3,842,596) in view of Kreibich et al (4,259, 198) and further in view of Burns et al. (4,341,649).

With respect to claim 5, Gray discloses the invention substantially as claimed except for a latent heat storable material and latent heat storable mixture from a group consisting of paraffin.

However, Kreibich et al. teaches latent heat storable material and latent heat storable mixture consisting from a group of paraffin for the purpose of providing a heat storage material used on a latent heat accumulator, wherein the storage material, i.e. paraffin, has a low melting point and a greater heat storage capacity per unit of weight of the storage material. In view of Kreibich, it would have been obvious to one having ordinary skill in the art to have provide Gray's invention with a latent heat storable material and latent heat storable mixture consisting from a group of paraffin in order to provide a heat storage material used on a latent heat accumulator, wherein the storage material, i.e. paraffin, has a low melting point and a greater heat storage capacity per unit of weight of the storage material.

Also, with respect to claim 5, Gray as modified by Kreibich does not disclose wherein the latent heat storable material and latent heat storable mixture from a group consisting of salts and hydrated salts having a melting temperature between 200 and 1600 C.

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However, Burns et al. discloses a latent heat storable material and latent heat storable mixture from a group consisting of salts and hydrated salts having a melting temperature above at or below about 900 C for the purpose of forming a gel at a high energy state. In view of Burns, it would have been obvious to one having ordinary skill in the art to have provide Gray's invention as modified by Kreibich, and further having a latent heat storable material and latent heat storable mixture from a group consisting of salts and hydrated salts having a melting temperature above at or below about 900 C in order to form a gel at a high energy state.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (3,842,596) in view of Burns et al. (4,341,649).

Gray discloses the invention substantially as claimed except for at least one of latent heat storable material and latent heat storable mixture is sodium acetate.

However, Burns teaches a heat storage material as sodium acetate for the purpose of providing a heat storage material having high heat capacity, thereby forming a gel at a high energy state.

#### ***Response to Arguments***

5. Applicant's arguments have been fully considered but they are not deemed persuasive. Applicant contends that Gray does not disclose a latent heat storage.

However, claim 1 is given its broadest reasonable interpretation, wherein a heat latent accumulator has been interpreted as a material that buffers the heat generated in the power tool during its operation preventing overheating of the power tool during the operational cycle, in which the heat latent accumulator completed changes from a first phase to a second phase as described in the specification page 3.

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**latent heat** *noun*

The quantity of heat absorbed or released by a substance undergoing a change of state, such as ice changing to water or water to steam, at constant temperature and pressure. Also called *heat of transformation*.<sup>1</sup>

Therefore, Examiner contends that such a latent heat accumulator is disclosed by Gray, as Gray teaches features of a material being changed from a liquid phase to a vapor phase for the purpose of preventing overheating of the power tool during the operational cycle.

6. For the reasons above, the ground of rejections are deemed proper.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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<sup>1</sup> *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

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*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

  
JOHN SIPOS  
PRIMARY EXAMINER